

REMARKS

The specification is amended as courteously suggested in the Action.

Original claims 1 and 12 are combined and other original claims amended without narrowing whereby no Festo-like limitations should arise despite some thinking to the contrary.

The allowability of original claims 7 - 10 is acknowledged appreciatively and accepted by combining claim 7 with its parent claims 1 and 2 as new claim 14 and adding corresponding new dependent claims 15 - 17 which, although new, represents original allowable claims, whereby no Festo-like limitations should arise despite some thinking to the contrary.

In the Action, claims 1 and 12 stand rejected under 35 U.S.C 103(a) as being obvious from Nishino et al. (USP 6,399,901) in view of Castellari (USP 6,205,743). Such rejection is traversed by the combination of claims 1 and 12, whereby their dependent claims are also allowable.

Claim 1 now recites, in part, that each weighing device comprises an articulated parallelogram defined by two rocker arms hinged at one end to the carousel conveyor, and at the other end to a connecting rod supporting the relative frame and that a load cell is connected on one side to the carousel conveyor, and on the other side to the connecting rod.

According to Nishino et al.:

A box 60 is mounted on an upper portion of the vertical mounting plate and includes a horizontal stationary base 62 on which one end 58a of the load cell 58 or the end disposed radially inward of the revolving body 54 is fixedly mounted while the other end 58b is supported in a manner floating over the stationary base 62.” (column 3, lines 5-10)

From figures 2 and 3 of Nishino et al. it is evident that box 60 is made by rigid elements rigidly connected each to other other. Therefore, box 60 cannot constitute an articulated parallelogram defined by two rocker arms hinged at one end to the carousel conveyor, and at the other end to a connecting rod supporting the relative frame, as claimed.

Indeed, the rigid elements of Nishino et al. teach away from the articulated elements claimed.

**PRIOR ART MUST BE CONSIDERED IN ITS
ENTIRETY, INCLUDING DISCLOSURES THAT
TEACH AWAY FROM THE CLAIMS MPEP 2141.02 VI**
(emphasis original)

Owing to the above, Nishino et al. does not disclose or even suggest that each weighing device comprises an articulated parallelogram defined by two rocker arms hinged at one end to the carousel conveyor, and at the other end to a connecting rod supporting the relative frame and that a load cell is connected on one side to the carousel conveyor, and on the other side to the connecting rod, and neither does the Castellari patent, which is cited only for is vertically adjustable plate 81, 82. Accordingly, the combination of these patents cannot make claim 1 obvious even if the contrary teaching of Nishino et al permits its citation at all.

In order to reach the invention as claimed by claim 1, one would have to completely disregard the teachings given by Nishino et al., in which the load cell is connected to a rigid box. There would be no suggestion to discard these teachings without using applicants own disclosure as a template, and no such suggestion can be found in the reference in any event. "To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art" MPEP § 2143.03.

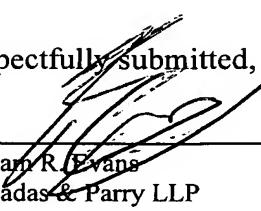
Accordingly, claim 1 is allowable. Claims 2-11 and 13 depending from claims 1 are also allowable. And new claim 14 encompassing the subject matter of original claims 1, 2 and 7 already has been indicated as allowable along with dependent claims 15-17 that

correspond to original dependent claim 8-10.

Reconsideration and allowance are, therefore, requested.

If, in the opinion of the examiner a telephone conference would expedite prosecution of the subject application, the examiner is invited to call the undersigned attorney.

Respectfully submitted,



William R. Evans
c/o Ladas & Parry LLP
26 West 61st Street
New York, New York 10023
Reg. No. 25858
Tel. No. (212) 708-1930